

1           A     Let's see. Rose says that she spoke with  
2     Ana and that Rose and Ana spoke about the keeping of a  
3     database of City Visions topics and guests and that  
4     the station needed it. Rose assume that they needed  
5     it for compliance purposes, which is very logical.

6           Q     Did you talk with Ana about it?

7           A     I did, and my response to Rose reflects the  
8     fact that I did speak with Ana Perez and that Ana  
9     explained to me what she wanted.

10          Q     What was it that she wanted?

11          A     Well, this kind of stuff that we've been  
12     looking at and most particularly this form, the form,  
13     that whole packet that I gave you. They're all on  
14     that same form. That was provided to me by Ana.

15          Q     The form that we had marked as Deposition  
16     No. 5?

17          A     Yes.

18          Q     Now, there's a reference in apparently your  
19     response. "I'm providing her the CV database for the  
20     KALW public file (same material I provided to Jeff  
21     Ramirez)."

22                 When you talk about the CV database for the  
23     public file being the same material that you provided  
24     to Jeff Ramirez, what does that mean?

25          A     I think it was simply giving her a copy of

1 the same thing I had given to Jeff Ramirez.

2 Now, I don't recall Jeff asking me  
3 specifically for a copy of the database, and I don't  
4 recall actually handing it to him, but the thing that  
5 we looked at earlier, Deposition No. 2, would  
6 correspond to that material.

7 Q You equated the material that you gave to  
8 Jeff Ramirez with whatever it was that you were going  
9 to give --

10 A Yes. I mean, the database itself resided on  
11 my computer, so I didn't give him my computer. I gave  
12 him the information from the database, you know, a  
13 copy of it. Deposition No. 2 is a copy of that stuff.

14 Q Further on in the email the reference to,  
15 "I'll pick up the form when next I'm at the station."  
16 The form in question is the form that serves as the  
17 base for Deposition Exhibit No. 5?

18 A Yes.

19 MS. LEAVITT: Do you want to mark this as  
20 No. 8?

21 MR. SHOOK: Yes, No. 8.

22 (The document referred to was  
23 marked for identification as  
24 Exhibit No. 8.)

25 BY MR. SHOOK:

1           Q     Now, could you tell us? Again, you've  
2 mentioned this in another context, but now that we  
3 have this document marked as Deposition Exhibit No. 8  
4 could you tell us what Deposition Exhibit No. 8 is?

5           A     No. 8 is a collection of the sheets that I  
6 regularly sent in to the station containing  
7 information that they asked me to provide, again the  
8 issues, titles, descriptions which, you know, I did  
9 the best I could with that.

10                Certain things that were always the same,  
11 being lazy I took my master copy and just typed those  
12 things on so I didn't have to rewrite them every time.

13                The only things that changed were the actual  
14 substance of it, the issue itself, the name that I ad  
15 hoc gave that particular episode of the show, a very,  
16 very brief description of what it was about and then  
17 the date and in parentheses the initials of the person  
18 who produced the show. They were all 60 minutes long.

19           Q     Now, some of the papers in the upper right-  
20 hand portion include a notation that the document was  
21 faxed, and then it looks like By: and Date:.

22           A     Yes. The JC is me, and the date would be  
23 the date I faxed it to the station. I put that stamp  
24 on those. Some of them don't have that stamp on them.

25                I know I provided them all to the station.

1 If I didn't fax them, then I dropped them off  
2 personally when I was at the station, or I might have  
3 mailed some of them actually.

4 Q With respect to the grouping of programs, as  
5 I look through this it appears that the programs for  
6 1998 are all, at least the ones for June, July,  
7 August, September and October, each sheet contains one  
8 month worth of programs, whereas when you go to the  
9 sheet that starts with the November 2, 1998, program  
10 that contains information for both November and  
11 December.

12 The following sheet contains information for  
13 January and February. The sheet thereafter contains  
14 information for March and April. The sheet after that  
15 contains information for April and May.

16 Do you recall why it was that your sending  
17 of such information changed in terms of having the  
18 programs noted first monthly and then later on in a  
19 different manner?

20 A Well, Ana told me that she wanted them  
21 monthly, and that was at the beginning of 1998 or  
22 early in 1998 I should say when I started first  
23 producing these sheets.

24 Then later in the year I don't recall  
25 whether she said I don't need them monthly; you can do

1     them at longer intervals, or whether I just started  
2     doing it that way because I was tired of doing it  
3     monthly. I couldn't tell you.

4             I've already surmised that November, you  
5     know, was a long one. There were five Mondays that  
6     month, and there were only two shows in December. You  
7     know, maybe I was behind. I don't know.

8             I just figured okay, here's everything up to  
9     date because when I sent it in on the 15th that was  
10    right after the last show that I knew we were going to  
11    do in December because we had preempts for the  
12    remainder of the month.

13            I cannot recall whether I asked anybody at  
14    the station would it be okay to do it on a bi-monthly  
15    basis or a six weekly basis or anything like that. On  
16    the other hand, I am sure that had anybody told me no,  
17    we need it monthly, I would have done it monthly.

18            Q     When we move to the sheet that begins with  
19    March 1, 1999, and includes the program for 4-12-99,  
20    the upper right-hand portion reflects that the  
21    document was faxed on 4-17-99. That was something  
22    that you did?

23            A     Yes. By then I had a scanner obviously, or  
24    actually my wife brought one home from her office that  
25    was excess, and I was able to start scanning things.

1           Q     Did you receive any comments from anyone  
2     about the significance, if any, of your including both  
3     March and April programming on the same sheet and not  
4     sending it to the station until April 17?

5           A     I don't believe I did receive any comment.

6           Q     Likewise when we go to the programs that  
7     begin on June 7, 1999, the last program noted on that  
8     sheet is for July 26, 1999. It appears that that  
9     information was faxed to the station on July 29, 1999.

10                  Did you receive any comments from anybody  
11     for combining June and July together?

12           A     No.

13           Q     Now, when you continue on in 1999, the next  
14     sheet includes programs for August and September. The  
15     final sheet includes programs for October, November  
16     and December.

17           A     Uh-huh.

18           Q     You faxed the information to the station it  
19     looks like on January 1, 2000.

20           A     Yes.

21           Q     Do you recall why it was that you went from  
22     a two-month collection of program information to a  
23     three-month collection of program information?

24           A     No, I don't recall why. Clearly this sheet  
25     has a whole quarter's worth of shows on it, and I

1 actually had to use space below the form, which is  
2 kind of sloppy.

3 I mean, it could be something banal like I  
4 ran out of forms. I don't know. I doubt it.

5 Q All right. It looks like when we go to the  
6 next sheet it includes programs from January and  
7 February, but not March. It looks like it was faxed  
8 on March 19, 2000.

9 A Yes.

10 Q Whereas if you go to the next sheet, and  
11 that includes programs for March and April 2000.

12 A Right.

13 Q That was faxed on April 29, 2000.

14 A I probably took a unilateral decision that I  
15 was going to do it every other month and make full use  
16 of the form. Nobody at the station ever complained  
17 about that and said that they needed it more  
18 frequently.

19 BY MS. LEAVITT:

20 Q Did anyone other than you ever prepare these  
21 kinds of forms for City Visions during this time  
22 period?

23 A I was the only one who ever did that. That  
24 was one of my functions as the executive producer. I  
25 have no idea whether whoever succeeded me as executive

1 producer continued doing it.

2 BY MR. SHOOK:

3 Q The top two sheets reflect that the  
4 information was faxed first on March 24, 2001, and  
5 then the final sheet was faxed on April 6, 2001.

6 Do you recall receiving any comments from  
7 station management regarding the last two sheets that  
8 you sent?

9 A No.

10 Q Do you recall having any conversations with  
11 Nicole Sawaya about the format in which you  
12 transmitted information relative to City Visions to  
13 the station?

14 A No, I don't.

15 MR. SHOOK: If we could go off the record  
16 for just a little bit?

17 (Whereupon, a short recess was taken.)

18 MR. SHOOK: This is Dep 8, right?

19 MS. LEAVITT: Yes.

20 BY MR. SHOOK:

21 Q Okay. With respect to Deposition Exhibit 8,  
22 if you look at the upper left-hand corner the top  
23 sheet of the oldest document -- look at the June 1998  
24 document.

25 A Okay.



1           Q     It references that you're sending this to  
2     Ana Perez.

3           A     Yes.

4           Q     Over the course of time, the first several  
5     of these are sent to Ana Perez. Then when we get to  
6     January 4, 1999, the program that first appears on  
7     that sheet, Ana Perez's name is crossed out, and it  
8     looks like Michael Johnson's name is handwriting on  
9     there.

10          A     Yes.

11          Q     Was that something that you did?

12          A     Yes.

13          Q     Why did you cross out Ana's name and write  
14     in Michael's name?

15          A     I believe it was because she left the  
16     station staff, and I was asked to send it to Michael  
17     instead.

18          Q     It appears that the remaining documents for  
19     1999 were also sent to Michael Johnson, and documents  
20     through the August 28, 2000, program that you faxed on  
21     September 4, 2000, were also faxed to Michael Johnson.

22                 The next document, which begins with the  
23     September 11, 2000, program, concludes with the  
24     November 6, 2000, program and appears to have been  
25     faxed on December 2, 2000, you have Ana's name crossed

1 out, Michael's name crossed out, and now it looks like  
2 Bill Helgeson's written in.

3 A Right. I was using the same master form and  
4 just ran off copies of it. Rather than redo the form,  
5 I just substituted the next name that I was to send  
6 them to when Michael Johnson left the station.

7 Q So at this point Michael Johnson would not  
8 have been the person to have received this, but you  
9 were sending it to whoever it was that was in charge  
10 basically?

11 A To Bill Helgeson. To Bill Helgeson, right,  
12 because Michael had left the station.

13 Q With respect to the last document, the one  
14 on top, again it's being faxed to Bill Helgeson.

15 Do you have any knowledge as to why it was  
16 that you were faxing it to Bill Helgeson and not  
17 Nicole Sawaya?

18 A Just that Bill was the operations manager.  
19 I've never faxed them to the manager himself.

20 I believe that during the time when I was  
21 sending them to Michael Johnson, that was not one of  
22 the times Michael Johnson was the manager of the  
23 station. I think it was during Ruben Bouchet's tenure  
24 at the station.

25 MR. SHOOK: Again one minute off, please.

1 (Discussion held off the record.)

2 MR. SHOOK: Mark the next one as Deposition

3 9.

4 (The document referred to was  
5 marked for identification as  
6 Exhibit No. 9.)

7 MS. REPP: Thank you.

8 BY MR. SHOOK:

9 Q Again, we talked about Deposition Exhibit 9  
10 in another context, but just to clarify what we're  
11 talking about here could you tell us what Deposition  
12 Exhibit 9 is?

13 A Dep 9 is a sample given to me by the station  
14 demonstrating an acceptable format for providing  
15 quarterly issues and programs data.

16 Q The number that appears from the station, is  
17 that just a general fax number from the station, or  
18 does that reference somebody's individual telephone  
19 number?

20 A That was the general fax number for the  
21 station, the 841-4125.

22 Q Do you have any recollection as to who in  
23 particular sent you this document?

24 A I believe it was handed to me at the  
25 station. I believe it was from Bill Helgeson, but it

1       could have been given to me via Rose Levinson. I  
2       don't recall.

3           Q       Now, in terms of the fax notation at the top  
4       of the page, that would suggest that this document was  
5       faxed to somebody.

6           A       Perhaps. It might have been faxed to me. I  
7       just don't recall exactly how I got it. I have a  
8       recollection that somebody handed it to me, but I'm  
9       just not sure.

10          Q       Do you recall receiving this document on or  
11       about October 20, 1997, or would you have received  
12       this at a much later time?

13          A       I really can't say that I recall receiving  
14       it in October of 1997. I might have received it  
15       later.

16          Q       Do you recall that earlier in the deposition  
17       we were talking about the dates, this date being  
18       October 20, at least as noted a time this document was  
19       faxed to somebody --

20          A       Right.

21          Q       -- and the October 24, 1997, date in  
22       connection with Deposition Exhibit 2? I was just  
23       wondering if there was any correlation between the  
24       two.

25          A       Well, I think it may be a bit of a

1 coincidence because Deposition No. 3 is the follow-on  
2 for the final quarter of 1997, and looking at it  
3 there's substantially less information that I put here  
4 on Dep 3 than is provided here on Dep 9 in this  
5 sample.

6 It's not like me -- if I received this,  
7 that's a pretty good chunk of information there in  
8 this sample. Why wouldn't have I provided that here?

9 That's my reason for thinking that, you  
10 know, whoever received it on October 20, 1997, it may  
11 not have been me because I had no problem ever  
12 providing all information requested of me with  
13 relation to the show. I could have provided detailed  
14 information kind of like this, and indeed in 1998 when  
15 I started using those forms I was providing more  
16 detailed information.

17 You know, my conclusion is I'm not the one  
18 who received it on October 20, 1997. I can't prove a  
19 negative, but, you know, it's just --

20 Q You had this document in your possession,  
21 though. How did this document come to you?

22 A My recollection was that somebody handed it  
23 to me. You know, it could have been Bill Helg

have been Rose Levinson saying, "Here, Bill gave me this as a sample of,

2       you know, information the way the station would like  
3       to receive it. It could even have been -- well, it  
4       could even have been Ana Perez, you know.

5           Q     Again looking at Deposition Exhibit No. 9 --

6           A     Yes.

7           Q     -- in relationship even to Deposition  
8       Exhibit No. 4, which --

9           A     Okay.

10          Q     Deposition Exhibit No. 4 I believe, as you  
11       had described it, was taken directly from a database  
12       that you maintained in your own computer.

13          A     Yes.

14          Q     Looking at what Deposition Exhibit 9 has,  
15       especially in the Description column, there's nothing  
16       remotely similar to it in Deposition Exhibit No. 4.

17          A     Right.

18          Q     Does this trigger any memories as to whether  
19       or not you received any comments relative to  
20       Deposition Exhibit No. 4 that it needed to be altered  
21       in any way?

22          A     Let's see. This Deposition 4 shows that I  
23       faxed it in April of 1998, and the other thing that I  
24       was able to find that we discussed -- I don't remember  
25       what number.

1 Q The email from Rose?

2 A The email from Rose to me reflects a  
3 conversation that she had with Ana Perez in late April  
4 and that I then had a conversation with Ana on May 1.

5 I think it was about the time of this email  
6 that I was given this as an example of the  
7 information.

8 Q Which would explain why the sheets that you  
9 gave us which we have noted I think as Deposition  
10 Exhibit 8 --

11 A Yes. All those forms. Right.

12 Q -- all have information, including a  
13 description of what was discussed on the program?

14 A Right, because when I was asked to start  
15 providing more comprehensive information I started  
16 providing more comprehensive information.

17 I mean, it was information which I could  
18 have provided at any time. It's just that I wasn't  
19 asked for it.

20 MR. SHOOK: Mr. Covell, I have nothing  
21 further.

22 MS. REPP: Could we go off the record?

23 (Discussion held off the record.)

24 MS. REPP: Mr. Covell, I have a few follow-  
25 up questions.

1 THE WITNESS: Sure.

2 EXAMINATION BY COUNSEL FOR KALW

3 BY MS. REPP:

4 Q Turning your attention to Deposition Exhibit  
5 8, looking at the top page which was faxed dated  
6 4-6-01, the first column says Issue.

7 A Right.

8 Q There are handwritten notes underneath that.  
9 I assume that you hand wrote all those notations?

10 A Yes.

11 Q What did it mean to you when you wrote in an  
12 issue?

13 A It meant a very generic description of the  
14 broad subject matter of the show. I was trying to  
15 parse these things in an artificial kind of way  
16 because I didn't -- when I was producing a show or  
17 assisting somebody else I didn't think issue, title,  
18 topic. I didn't do it that way.

19 I was just looking in the local press,  
20 whatever way that I got shows, and saying let's do a  
21 show on X. If somebody later on says okay, describe  
22 the show and what issue was that, that's sort of like  
23 that's very after the fact.

24 It's very Monday morning quarterbacking, you  
25 know, which I could do, and that's really how I came



1 up with the entries under the Issue column. I simply  
2 concocted them.

3 Q When you were looking for topics of issues  
4 to do, where did you get those?

5 A The sources of ideas?

6 Q The sources.

7 A Just keeping abreast of the local news in  
8 the San Francisco Bay area basically.

9 We occasionally got off onto more regional  
10 or even occasionally a national issue, but our mandate  
11 from the station, and this I remember is something  
12 that Bill Helgeson was pretty clear about, was he  
13 wanted City Visions to be a local public policy issue  
14 program. With occasional exceptions, we stuck to our  
15 niche, you know.

16 Q So you were looking at topics that would be  
17 of interest to the listening public of KALW?

18 A Right. You know, it's only a 1,900 watt  
19 signal, so we didn't have the coverage that KQED does.  
20 You know, we know that it better be of interest to  
21 people that could actually hear the station or forget  
22 about it.

23 I mean, as I told Mr. Shook, we got amazing  
24 coverage for a 1.9 kilowatt station. I mean, Dave  
25 Evans knew what he was doing engineering-wise. I got

1 a call once from Modesto. I couldn't believe it.

2 Q How far away is Modesto?

3 A It's out in the central valley on the other  
4 side of a bunch of hills. Gee.

5 MR. SHOOK: Dave works some magic.

6 THE WITNESS: Yes.

7 BY MS. REPP:

8 Q If I could turn your attention to Deposition  
9 Exhibit 1?

10 A Yes.

11 Q Now, you had noted before that this was a  
12 document that you were the author of.

13 A Right.

14 Q And that there is missing from our copy of  
15 it pages 1 through 4.

16 A Yes.

17 Q Would you have, when you transmitted this  
18 document to KALW, and I believe you estimated it would  
19 have been in July of 1997 after the last entry. Would  
20 that document have included all pages, 1 through 7?

21 A Certainly.

22 Q And page 1? What is your recollection as to  
23 what would have been on that page?

24 A It would be pretty much the same information  
25 that was on the first page of Dep 2.

1           Q     What would be different from that  
2     information?

3           A     Only the format and the absence of any  
4     quarterly heading.

5           Q     Do you remember what would have been the  
6     dates covered on pages 1 through 4?

7           A     It would have been the same dates. It would  
8     have been starting with July 7, 1992. Now again, that  
9     was the period during which Rose Levinson was the sole  
10    producer of the program, so all the information that I  
11    had was secondhand.

12                   It was she gave me the information that she  
13    had, and I retroactively compiled it, whereas  
14    beginning in I think it was July of 1993 I had  
15    firsthand knowledge of what the substance of the show  
16    was.

17           Q     You mentioned before that when you were the  
18    executive producer of City Visions you would have been  
19    the person who would have prepared any Issues/Programs  
20    list to provide to KALW.

21           A     Right. To my knowledge, nobody other than  
22    me ever did it while I was associated with the show.

23           Q     So that included even when you were not  
24    "executive producer", but even earlier periods?

25           A     Right. From the time that the station asked

1 me for that information or asked City Visions for that  
2 information, Rose asked me to please produce it for  
3 them, which I did.

4 Q And what was your recollection the earliest  
5 time they asked for that information?

6 A I think it was the middle of 1997.

7 Q Again turning to Deposition Exhibit 1, going  
8 to what's labeled as 6 at the bottom -- it's the  
9 second page of the exhibit here -- if you look at the  
10 entry say under 8-19-96 it has JC as the producer and  
11 the topic, Bring Outlaw Apartments Into The Fold with  
12 parentheses JCH.

13 A Yes.

14 Q Could you explain to me what all those  
15 notations mean?

16 A Okay. 8-19 is the date of the show. JC  
17 means I produced the show, thought up the topic,  
18 arranged the guests, so on and so forth. JCH means I  
19 hosted the show because for some reason Rose didn't.

20 Q If you had to fit this item into the format  
21 that you used later on, such as in Exhibit 8, what  
22 issue of interest to the community would this program  
23 have addressed?

24 A I would probably just call it housing.

25 Q And how would you know that that's of

1 interest to the community?

2 A Everybody who lives in San Francisco is  
3 interested in housing.

4 MS. LEAVITT: Even people who don't live in  
5 San Francisco.

6 THE WITNESS: Nobody can afford it. It's a  
7 hot topic. I'm sure it still is.

8 BY MS. REPP:

9 Q Now, how did you know that these programs  
10 aired over KALW?

11 A Well, I was in the studio, and I presume the  
12 signal went out. We had listeners calling in in  
13 response to what was supposedly being heard, so to me  
14 that proves it was actually being broadcast.

15 Q Did you record in your database on a weekly  
16 basis the show that aired?

17 A I didn't necessarily jump on the computer  
18 every week, but I always had some kind of notes what  
19 the topic was, and if I actually produced the show  
20 myself I definitely had notes because I knew who the  
21 people were that I called to try to get on the show.

22 Whether they came on or not, I had their  
23 names, their numbers, their affiliations, whatever,  
24 all my worksheets, my rough notes, all the stuff from  
25 which I eventually compiled. If you want to call this

1 a smooth log, that's what it is.

2 Q So the log was created based on your  
3 personal knowledge?

4 A Yes, except for the part that preceded my  
5 involvement.

6 Q Okay.

7 A And that was based on handwritten notes that  
8 Rose gave me.

9 Q Moving down this list to say the next item,  
10 9-9-96, KA, Mental Health Managed Care Pricing Issues.

11 A Right. Kate Alson.

12 Q Again, if you had an "issue" to assign to  
13 that, what would that be?

14 A Probably public health.

15 Q So you could take all of the programs that  
16 ran here and just as you had done starting in 1998,  
17 you could assign issues of interest?

18 A Sure. Sure. It's just a matter of me  
19 concocting what the issue was, you know.

20 I used to work for a publisher where I did  
21 indexing. I know how to divine a topic.

22 Q Do you think it's divivable to somebody  
23 reading the list what the issue of interest is based  
24 on the description under the Topic column?

25 A I think so. I think the topics speak for

1 themselves.

2           You know, Presidio Post Legislation. Well,  
3 maybe that assumes that somebody knows that a former  
4 Army base became public land under the control of the  
5 City and County of San Francisco, and there's a huge  
6 to-do about what to do with all of this real estate,  
7 you know.

8           I mean, there is a certain amount of  
9 assumption there, but then again since it was a local  
10 listenership there was no question. If you say  
11 Presidio to a San Franciscan, they know what you're  
12 talking about.

13           Q     You mentioned at one point a preemption of a  
14 City Visions program. Can we assume that no program  
15 listed here was preempted?

16           A     Yes, you may because there are shows that  
17 actually aired.

18                 Generally speaking, we knew about  
19 preemptions well in advance. We didn't produce shows  
20 on speculation. We did it because we knew we had the  
21 air date.

22           MS. REPP: That's it.

23           MR. SHOOK: Mr. Covell, thank you very much  
24 for coming.

25           MS. LEAVITT: Yes. Thank you.

1                   (Whereupon, at 3:54 p.m. the deposition in  
2 the above-entitled matter was concluded.)

3                   I have read the foregoing pages 1 through  
4 72, and they are a true and accurate  
5 record of my testimony therein recorded, and  
6 any changes and/or corrections appear on the  
7 attached errata sheet signed by me.

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\_\_\_\_\_  
JOHN COVELL

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11                  Subscribed and sworn to before me

12                  this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

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\_\_\_\_\_  
Notary Public

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My Commission expires: \_\_\_\_\_



JURISDICTION: Federal Communications Commission

Before me, the undersigned authority, personally appeared John Covell who, after being duly sworn states that he has read the foregoing deposition transcript, and states that he wishes to make the following changes or corrections to this transcript for the following reasons:

[illegible]

The witness states that the deposition transcript, pages 1 through 72, is otherwise true and accurate.

JOHN COVELL

Subscribed and sworn to before me on  
the \_\_\_\_\_ day of \_\_\_\_\_, 2005.

Notary Public

My Commission Expires: \_\_\_\_\_

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CERTIFICATE OF COURT REPORTER/NOTARY PUBLIC

I, Renée C.M. Katz , the officer before whom  
the foregoing testimony was taken, do hereby certify that the  
witness whose testimony appears in the foregoing deposition  
was duly sworn by me; that the testimony of said witness was  
taken by me and thereafter reduced to typewriting; that I am  
neither counsel for, related to, nor employed by any of the  
parties to the action in which this deposition was taken;  
and further, that I am not a relative or employee of any  
attorney or counsel employed by the parties hereto; nor am  
I financially or otherwise interested in the outcome of the  
action.

Renée C.M. Katz  
Court Reporter/Notary Public

My Commission Expires: 11/14/08